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THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES:
QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

Ninth annual report and list of States which, since 1 January 1985, have
proclaimed, extended or terminated a state of emergency, presented by
Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic
and Social Council resolution 1985/37

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Introduction

1. By resolution 10 (XXX) of 31 August 1977, the Sub-Commission on Prevention of Discrimination and Protection of Minorities expressed its concern at the manner in which certain countries applied the provisions relating to situations known as states of siege or emergency. Convinced that a connection existed between such application and the situation regarding human rights in the said countries, it considered that a comprehensive study of the implications for human rights of recent developments in that sphere would be conducive to the achievement of the aims pursued by the United Nations in the field of human rights. The comprehensive study was presented by Ms. Nicole Questiaux at the thirty-fifth session of the Sub-Commission (E/CN.4/Sub.2/1982/15).
2. In resolution 1983/18, the Commission on Human Rights requested the Sub-Commission to propose for the Commission's consideration measures designed to ensure the respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency existed, especially respect for those rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights.
3. By resolution 1983/30, the Sub-Commission decided to include in its agenda an item entitled "Implementation of the right of derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violations of human rights". Subsequently, by its resolution 1987/25, the Sub-Commission decided to examine this issue, as a matter of high priority, under the agenda item "The administration of justice and the human rights of detainees: (b) Question of human rights and states of emergency".
4. At the Sub-Commission's request, the Economic and Social Council, by resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30.
5. The mandate of the Special Rapporteur for that task, Mr. Leandro Despouy, as laid down in these resolutions as well as in subsequent Sub-Commission resolutions 1985/32, 1987/25, 1988/24, 1989/28, 1990/19, 1991/18, 1992/22, 1993/28, 1994/36 and 1995/33 includes the following main tasks: (a) to draw up and update annually a list of countries which proclaim or terminate a state of emergency; (b) to examine, in annual reports, questions of compliance by States with internal and international rules guaranteeing the legality of the introduction of a state of emergency; (c) to study the impact of emergency measures on human rights; (d) to recommend concrete measures with a view to guaranteeing respect for human rights in situations of state of siege or emergency.
6. The Special Rapporteur has presented to the Sub-Commission and to the Commission on Human Rights an explanatory paper (E/CN.4/Sub.2/1985/19) and his first, second, third, fourth, fifth, sixth, seventh and eighth reports and lists of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, including the revised and updated

versions of those reports (E/CN.4/Sub.2/1987/19/Rev.1 and Add.1-2;
E/CN.4/Sub.2/1988/18/Rev.1; E/CN.4/Sub.2/1989/30/Rev.2;
E/CN.4/Sub.2/1991/28/Rev.1; E/CN.4/Sub.2/1992/23/Rev.1;
E/CN.4/Sub.2/1993/23/Rev.1; E/CN.4/Sub.2/1994/23 and Corr.1 and Add.1;
E/CN.4/Sub.2/1995/20 and Corr.1 and Add.1).

7. Pursuant to the request contained in decision 1991/262 of the Economic and Social Council, the Special Rapporteur presented to the Sub-Commission and to the Commission on Human Rights the draft guidelines for the development of legislation on states of emergency, which were continued in annex I to his fourth annual report (E/CN.4/Sub.2/1991/28/Rev.1).

8. By its resolution 1996/36, the Commission on Human Rights, taking note of Sub-Commission resolution 1995/33, recommended to the Economic and Social Council to approve the Sub-Commission's request to the Special Rapporteur on human rights and states of emergency, Mr. Leandro Despouy, to fulfil his mandate, in particular relating to (a) the updating of the lists of States which have proclaimed, extended or terminated a state of emergency; (b) the submission of conclusions and recommendations concerning non-derogable rights in states or situations of emergency; and (c) the continuation of his consultations on the establishment of a database on states of emergency and related human rights questions.

9. The present ninth annual report has been prepared in pursuance of that as well as of other pertinent resolutions and decisions of the Commission on Human Rights and the Sub-Commission.

I. HABEAS CORPUS AS A NON-DEROGABLE REMEDY TO GUARANTEE THE PROTECTION OF NON-DEROGABLE HUMAN RIGHTS

10. As will be recalled, on a proposal by its Chairman, Mr. Louis Joinet, the sessional working group on the administration of justice and the question of compensation requested the Special Rapporteur on human rights and states of emergency to prepare, for the forty-eighth session of the Sub-Commission, a working paper on habeas corpus as a non-derogable right and as one of the requirements for the right to a fair trial. ^{1/} This document is submitted for the consideration of the working group and the Sub-Commission in compliance with that request.

Statement of the issue

11. It can easily be shown that nearly all the world's systems of law, both internal and international, provide a series of procedural remedies to protect the exercise of individual and public freedoms and to guarantee accused persons a fair trial. This is true of article 9 of the International Covenant on Civil and Political Rights, which in a similar way to the European Convention and the American Convention on Human Rights provides, *inter alia*, for the right of anyone who is arrested to be informed of the reasons for his arrest, to be brought promptly before a judge and to be released without delay if the detention is not lawful. In addition, article 14 of the Covenant, article 6 of the European Convention and article 8 of the American Convention provide for a series of rights serving to guarantee a fair trial.

12. However, no international instrument includes the remedy of habeas corpus among the rights or guarantees which cannot be suspended during officially declared states of emergency. The issue might therefore be stated as follows: are non-derogable or inalienable rights only those rights which are classified as such in the international treaties? 2/ Evidently, as we shall see, the answer must be no, since doctrine and jurisprudence are quite consistent in this respect.

Non-derogability of habeas corpus

13. The reasoning behind the Special Rapporteur's inclusion of this remedy as a guarantee which is not derogable at any time or under any circumstance is based on a number of considerations, of which the most important are outlined below.

14. First, the quality of non-derogability derives from the fact that habeas corpus is one of the "judicial guarantees essential" for the protection of certain non-derogable rights. This, in essence, has been the reasoning of the Inter-American Court of Human Rights and of all the organs of the inter-American system, which consider the remedy as a guarantee that is inherent in the rule of law.

15. In 1987, the Inter-American Court of Human Rights adopted two Advisory Opinions which, together with certain decisions of the European Commission and Court of Human Rights, constitute landmarks in the international jurisprudence on derogation. In the first of these Opinions, entitled "Habeas Corpus in Emergency Situations", the Court affirmed that, although the original purpose of habeas corpus was to protect personal liberty, a right which is subject to derogation, it has also evolved as the main judicial instrument for the protection of prisoners against torture and extra-legal execution. Being essential for the protection of the rights to life and physical integrity, which are non-derogable, the right to habeas corpus becomes non-derogable itself, since it comes within the frame of the "essential" judicial guarantees provided for in article 27, paragraph 2, which expressly prohibits "any suspension ... of the judicial guarantees essential for the protection of [non-derogable] rights".

16. The Inter-American Court goes even further in its Advisory Opinion entitled "Judicial Guarantees in States of Exception", affirming that as States are required to make judicial remedies available even in cases where derogation from some rights may be justified, the guarantees of due process must be respected "in the main".

17. Another important element for this characterization comes from State practice, since experience shows that Governments generally understand that habeas corpus should not be limited in emergency situations. This was basically the position of the Human Rights Committee in response to a Sub-Commission resolution favouring the elaboration of a draft protocol designed to prohibit any derogation from articles 9 (3) and (4) and 14 of the International Covenant on Civil and Political Rights. Explaining its opposition to such an initiative, the Committee said that it was "satisfied that States parties generally understand that the right to habeas corpus and amparo should not be limited in situations of emergency". Now the Committee

adopted the same position in a comment following the consideration of the report of a State party, where it is said that measures taken by a Government to combat terrorism must not impair the exercise of the fundamental rights set forth in the Covenant, particularly in articles 6, 7 and 9. With regard to article 14, the Committee indicated that it did not feel that all the provisions of that article could be considered as non-derogable.

18. On the question of procedural guarantees, we shall refer instead to a recent comment on article 7, where the Committee says that the article obliges States parties to disallow in evidence any statement or confession obtained through torture or other ill-treatment. As article 7 covers rights from which there can be no derogation, the Committee's comment adds a procedural guarantee, namely the prohibition of any evidence obtained by torture, to the list of rights which cannot be derogated from in any case. Furthermore, the Committee complements the protection against torture and ill-treatment with the right of any detained person to be assisted promptly by a lawyer; and this, by enabling the person who is detained to protect his physical integrity and prepare his defence, has the effect of prohibiting any derogation from another element of the right to a fair trial, as set forth in article 14, paragraph 3 (b).

19. Although these comments address the issue of derogations only indirectly, they do seem to indicate that the Committee is moving towards the position taken by the Inter-American Court in its Advisory Opinions OC-8/87 and OC-9/87, which is to say that the remedy of habeas corpus and most of the procedural guarantees provided for in article 14 of the Covenant are not subject to derogation in time of emergency. By clearly defining and substantiating its position, the Human Rights Committee would make an invaluable contribution to international law on this crucial question. 3/

20. At the same time, any suspension must be in keeping with the general principles that govern derogations, such as non-discrimination or the principle of necessity. If, then, we examine the precedents and jurisprudence established by the monitoring bodies in this matter (especially by the European Court and Commission in the Lawless and Greek cases), we realize just how impossible it would actually be in a particular situation to demonstrate or justify the need to suspend habeas corpus as a means of resolving the crisis.

21. In this regard, it is interesting to study the new treatment of habeas corpus in countries where its unlawful suspension led at one time to serious and frequent violations of human rights. Thus, the new habeas corpus law of Argentina, for example, views the remedy as a guarantee serving to protect individual and public freedoms as well as the physical and mental integrity of persons. Moreover, it not only prohibits the suspension of habeas corpus in a state of emergency, but also explicitly provides for a judicial review of the lawfulness of the state of emergency and of any measures that might be taken.

22. Because of the complementary and non-exclusive character of the standards of protection in international law, both the Covenant and the American and European Conventions contain saving clauses whereby the right of derogation

recognized by these instruments as belonging to States parties in exceptional circumstances does not extend to "their other obligations under international law". Therefore, all the non-derogable procedural norms provided for or contained in the various branches of international law remain applicable. Of this set of norms, the most important are those contained in the four Geneva Conventions of 12 August 1949 and the Additional Protocols of 8 June 1977. Protocol I and the four Conventions contain rules of humanitarian law applicable to international armed conflicts, while Protocol II and common article 3 of the four Conventions refer to non-international armed conflicts (although jurisprudence has extended the latter's applicability to conflicts of an international character).

23. In regard to protection, because of their non-derogable character, article 75 of Protocol I and article 4 of Protocol II, which provide for so-called "fundamental guarantees" (article 6 should also be noted), seem pertinent to us and, as can be seen from the travaux préparatoires, were inspired by articles 14 and 15 of the International Covenant on Civil and Political Rights.

24. Common article 3 of the four Geneva Conventions also establishes "fundamental guarantees" during internal armed conflicts, although the International Court of Justice in its judgment on the military and paramilitary activities in Nicaragua deemed that it should also apply to conflicts of an international character. Most importantly, however, this article speaks of "judicial guarantees which are recognized as indispensable by civilized peoples". It should be noted that common article 3, which in practice constitutes a mini-convention, is vested with the character of jus cogens in most doctrine and, as the eminent Uruguayan jurist Jiménez de Aréchaga has said, "guarantees which are non-derogable in the case of civil war should be considered as such with even more reason when the threat to the life of the nation is less grave".

25. It should likewise be noted that international humanitarian law contains only non-derogable rights since, unlike international human rights law, it does not provide for any mechanism that would permit States to limit unilaterally the extent of the obligations imposed by a treaty of a humanitarian character.

26. International humanitarian law and international human rights law are in reality two branches of positive law which, while pursuing a common goal of protecting the human person, each have their own dynamics. This can be seen, in particular, in situations of armed conflict, where the two normative systems apply concurrently, but with some differences that are discernible especially in the range of the beneficiaries and, when only the hard core of international human rights law is applicable, in the content of the protection flowing from one or the other of these two bodies of rules. 4/

27. The fact that humanitarian law applies solely in situations of armed conflict not only points to one of its essential differences as compared with international human rights law, but also explains the value of humanitarian law for determining the hard core of international human rights law.

28. Since an armed conflict is undeniably one of the situations which may lead States to make use of the power to suspend the norms of some international human rights treaties, humanitarian law constitutes a reference for the determination of non-derogable human rights.

29. This complementarity which operates between the various norms of international law and which enhances the protection of the human being in situations of crisis is also, quite logically, supported by customary international law. 5/

30. It is important to note that because of the indivisible and interdependent character of human rights, the limitations on the "power of suspension" apply not only to the procedural guarantees which are essential for the exercise of non-derogable rights, but also to any substantive right which is otherwise not non-derogable but whose temporary derogation may imply restrictions on rights that are non-derogable. This point is illustrated in the views of the Human Rights Committee concerning communication No. 328/1988 (*Zelaya v. Nicaragua*), adopted on 20 July 1994, in which the Committee determined that there had been violations by Nicaragua of articles 7, 9, 10 and 14 of the Covenant. In this precedent, as well as in the views reflected in the confidential summary records of the discussions relating to the communications submitted under the Optional Protocol, the members of the Committee consider as a general rule that a State should not be able to derogate from those judicial guarantees which are essential for the realization of non-derogable rights, such as the right to life and the right not to be subjected to torture. 6/

31. Lastly, in the opinion of the Special Rapporteur, the clearest and most cogent argument for the non-derogability of habeas corpus comes from the provisions of the Covenant itself, and in particular from article 2, whereby each State party undertakes to respect and to ensure to all individuals within its territory the rights recognized in the Covenant and to adopt such measures as may be necessary to give effect to those rights. Above all, paragraph 3 of that article guarantees to all persons the opportunity to claim an effective remedy if any of the rights recognized in the Covenant is violated. Since the right to life and the right to physical integrity, for example, are rights whose protection must be guaranteed at any time and in any circumstance, it is clear that the effective remedy referred to in this article is bound also to be non-derogable.

II. LIST OF STATES WHICH, SINCE 1 JANUARY 1985, HAVE PROCLAIMED, EXTENDED OR TERMINATED A STATE OF EMERGENCY

32. By drawing up this list of States which have proclaimed, extended or terminated a state of emergency, the Special Rapporteur has endeavoured, within the limits of the information available to him, to give the Sub-Commission and the Commission as complete a picture as possible of the world situation regarding states of emergency since 1 January 1985. The present composite list contains a summary of information which had already been included in his eight previous reports as well as new information received from Governments, United Nations bodies and other intergovernmental organizations, communicated by non-governmental organizations in consultative

status with the Economic and Social Council and published in the press since November 1995, when his eighth report and the addendum thereto was issued.

33. The purpose of this recapitulation is to give an overall view of the world situation regarding states of emergency and at the same time to improve the list prepared by the Special Rapporteur. To that end, it is essential to benefit once more from the cooperation of the Governments concerned, the non-governmental organizations and all those in a position to supply reliable information capable of correcting errors or remedying gaps which may exist in that list.

34. The Special Rapporteur periodically solicits information from all Governments, competent United Nations organs, specialized agencies and other intergovernmental and non-governmental organizations concerned. A list of replies and other communications received is contained in the annex.

35. Whenever the Special Rapporteur has learned, generally through the international press, of the adoption by a Government of emergency measures involving prima facie restriction of the exercise of human rights (partial suspension of the Constitution, curfew, etc.) he has immediately addressed that Government, through the Secretary-General, requesting specific and detailed information on the nature of the measures in force, the legal basis for them and, above all, the effect they are having or have had on human rights in general.

36. In drawing up this list, the Special Rapporteur also took into account those countries which have and apply ordinary legislation empowering the executive to adopt emergency measures (such as administrative or ministerial detention for long periods) without the need for official proclamation of a state of emergency in order to do so.

37. According to the information available to the Special Rapporteur, in the following 87 States and territories, since 1 January 1985, measures have been taken which constituted the proclamation, extension, maintenance or termination of emergency regimes in various forms:

Afghanistan: State of emergency proclaimed on 19 February 1989. Lifted on 28 May 1990.

Sources: Interim reports on the situation of human rights in Afghanistan, prepared by Mr. F. Ermacora, Special Rapporteur of the Commission on Human Rights (A/44/669, para. 20 (e), and A/45/664, para. 36).

Algeria:* State of siege proclaimed on 6 October 1988. Terminated on 12 October 1988.

State of siege decreed on 4 June 1991 for a period of four months. Terminated on 29 September 1991.

* An asterisk accompanying the name of a country or a territory indicates that the state of emergency there is still in force.

Sources: Letter from the Government dated 28 April 1989; Notifications of the Government to the United Nations Secretary-General dated 19 June and 3 October 1991.

State of emergency proclaimed on 9 February 1992 for a duration of 12 months. Indefinite overnight curfew decreed on 2 December 1992.

On 7 February 1993, the state of emergency was extended indefinitely.

Sources: Notification of the Government to the United Nations Secretary-General dated 13 February 1992; information published in the press and received from non-governmental organizations.

Argentina:

State of siege proclaimed on 25 October 1985 for 60 days. Terminated on 7 December 1985.

Sources: Letter from the Government dated 12 August 1987.

State of siege proclaimed on 29 May 1989 for 30 days. Lifted on 27 June 1989.

Sources: Notifications of the Government to the United Nations Secretary-General dated 7 June 1989 and 11 July 1989.

Armenia:

On 15 January 1990, a state of emergency was introduced in the Gorissa region of the Armenian SSR.

Sources: Notification of the Government of the Soviet Union to the United Nations Secretary-General dated 16 January 1990.

On 29 August 1990, a state of emergency was declared and a curfew introduced throughout the Republic. Lifted on 16 August 1991.

On 16 December 1991, a state of emergency was declared and a curfew introduced in the Meghri region of Armenia for a period of three months.

On 19 June 1992, the state of emergency in the Meghri and Kapan regions of southern Armenia was reinstated for another three months.

Sources: Letter from the Government dated 10 July 1992, received in reply to the Special Rapporteur's request for information of 19 May 1992; information received from a non-governmental organization and published in the press.

In February 1993, a state of emergency was introduced in Armavir district of Armenia for a period of one month.

Sources: Information published in the press.

Azerbaijan:*

State of emergency imposed in the Nagorno-Karabakh autonomous region and Agdam district of the Azerbaijan SSR as of 21 September 1988. On 15 January 1990, a state of emergency was introduced in the territory of the Nagorno-Karabakh autonomous region, the regions of the Azerbaijan SSR adjacent thereto, and the border zone along the State frontier with the Soviet Union in the territory of the Azerbaijan SSR.

On 20 January 1990, a state of emergency was declared in the city of Baku. Lifted in August 1991.

In June 1990, a state of emergency was introduced in the Azerbaijan SSR along its border with the Armenian SSR.

Sources: Notifications of the Government of the Soviet Union to the United Nations Secretary-General dated 13 October 1988, 15 and 29 January 1990; information published in the press.

On 14 May 1992, a state of emergency was decreed for a period of two months and a curfew introduced in the city of Baku.

Sources: Information published in the press. In a letter dated 19 May 1992, addressed to the Government of the Azerbaijan Republic, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

In March 1993, a state of emergency was declared in three districts of the Republic for a period of one month.

On 3 April 1993, a state of emergency was introduced in the whole territory of the Republic for a period of 60 days.

On 9 April 1993, a curfew was imposed in Baku and several other cities and districts.

On 2 August 1993, the state of emergency was extended for another 60 days.

On 22 September 1993, the state of emergency was lifted throughout the country.

Sources: Notifications of the Government to the United Nations Secretary-General dated 16 April and 13 August 1993; communication of the Government to the secretariat of the Conference on Security and Cooperation in

Europe dated 11 August 1993; report of the Azerbaijan to the Human Rights Committee (CCPR/C/81/Add.2, paras. 22-24); information published in the press.

On 4 October 1994, a state of emergency was introduced in the city of Baku for a period of 60 days. Subsequently extended (most recently from 3 April 1995 for another 60 days).

Sources: Notification of the Government to the Secretary-General of the United Nations dated 5 October and 13 December 1994 and 8 April 1995.

On 11 October 1994, a state of emergency was introduced in the town of Guyandja. On 11 December 1994, the state of emergency was extended for another 60 days. Terminated on 11 April 1995.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 21 October and 17 December 1994 and 17 April 1995.

Bangladesh:

Martial law proclaimed on 24 March 1982. Terminated on 10 November 1986.

State of emergency declared on 27 November 1990. Lifted on 6 December 1990.

Sources: Letters from the Government dated 22 July 1987 and 1 April 1993.

Bolivia:

State of emergency proclaimed on 18 September 1985. Terminated on 19 December 1985.

State of emergency proclaimed on 27 August 1986. Terminated on 27 November 1986.

State of emergency proclaimed on 15 November 1989. Terminated on 15 February 1990.

Sources: Notifications of the Government to the United Nations Secretary-General dated 27 September and 29 October 1985, 6 January, 28 August and 28 November 1986, 16 November and 8 December 1989 and 18 March 1990.

State of emergency decreed on 18 April 1995 in the whole territory of the country; subsequently extended until 15 October 1995. Terminated on 16 October 1995.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 19 April, 27 July and 12 December 1995; letter from the Government dated 5 May 1995, received in reply to the Special Rapporteur's request for information of 24 April 1995.

Bosnia and
Herzegovina:*

Admitted to the United Nations on 22 May 1992, this newly emerged State found itself in a de facto state of emergency at the moment of its transition to independence. The Special Rapporteur awaits more precise information to be submitted by the Government.

Sources: Periodic reports on the situation of human rights in the territory of the former Yugoslavia submitted by the Special Rapporteurs of the Commission on Human Rights, Mr. T. Mazowiecki (latest: E/CN.4/1995/57, paras. 5-50; E/CN.4/1996/6, paras. 65-121) and Ms. E. Rehn (E/CN.4/1996/63, paras. 7-61); information published in the press.

Brunei
Darussalam:*

State of emergency proclaimed on 12 December 1962. Still in force.

Sources: Letters from the Government, the latest dated 4 April 1991.

Burkina Faso:

Succession of emergency regimes and situations comparable to states of emergency since November 1980 and until June 1991.

Sources: Letters from the Government dated 30 April 1991 and 10 June 1993.

Burundi:*

State of emergency proclaimed and a curfew imposed on 21 October 1993. The curfew was lifted on 26 October 1993.

Sources: Report of the Representative of the Secretary-General, Mr. F.M. Deng, on internally displaced persons (E/CN.4/1995/50/Add.2, para. 31); information published in the press. In a letter dated 25 October 1993, addressed to the Government of Burundi, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Cameroon:

State of emergency proclaimed on 18 April 1984. Lifted on 19 December 1991.

Sources: Information received from non-governmental organizations.

A state of emergency was in force from 27 October to 29 December 1992 in the North-West province of the country.

Sources: Letter from the Government dated 29 December 1992; Report of the Human Rights Committee (A/49/40, para. 189).

Canada:

State of emergency declared on 23 July 1989 throughout the province of Manitoba. Terminated on 4 August 1989.

Source: Letter from the Government dated 24 August 1989.

Chad:

No state of emergency has been formally proclaimed since 1 January 1985. However, a decree dated 7 April 1988 restricted for one week the realization of some human rights and fundamental freedoms.

Sources: Letters from the Government dated 20 July 1988 and 5 February 1991.

Curfew imposed in N'Djamena on 9 August 1993. On 22 October 1993, a curfew was introduced in the whole territory of the country. Lifted on 23 October 1993.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Chile:

Proclamation of state of siege (from 7 November 1984 to 17 June 1985 and from 8 September 1986 to 5 January 1987), state of emergency (from 24 March 1984 to 27 August 1988) and state of danger of disturbance of internal peace (from 11 March 1981 to 27 August 1988).

Sources: Notifications of the Government to the United Nations Secretary-General dated, inter alia, 17 June 1985, 22 September 1986, 20 January 1987 and 31 August 1988; letters from the Government dated 10 August 1989, 21 February 1991 and 28 April 1993.

China:

Martial law imposed in Lhasa, Tibet, on 8 March 1989. Lifted on 1 May 1990.

Martial law imposed in Beijing on 20 May 1989. Lifted on 11 January 1990.

Sources: Letters from the Government dated 8 May and 15 August 1989. Letter dated 12 January 1990 from the Permanent Representative of China (reproduced in E/CN.4/1990/55); information received from non-governmental organizations and other information published in the press.

Colombia:*

State of siege proclaimed on 1 May 1984. Lifted on 7 July 1991.

State of internal disturbance was decreed from 10 to 16 July 1992 and from 8 November 1992 to 6 February 1993. On 5 February 1993, additional measures relating to the state of internal disturbance were decreed and it was extended until 7 May 1993.

State of internal disturbance was again decreed from 1 to 10 May 1994 throughout the national territory. Subsequently extended for two months. State of internal disturbance

decreed on 16 August 1995 for a period of 90 days. On 2 November 1995, the state of internal disturbance was again proclaimed in the whole national territory.

Sources: Notifications of the Government to the United Nations Secretary-General dated 7 May and 11 December 1984, 9 August 1991 and 16 July and 10 November 1992, 5 March 1993 and 6 and 27 May 1994; letters from the Government, latest dated 27 January and 27 April 1993, 4 September 1995 and 22 February 1996; statement made by the observer for Colombia to the Sub-Commission at its forty-seventh session on 17 August 1995; information published in the press and received from non-governmental organizations.

Congo: State of emergency was in force from 16 July to 15 August 1993. Curfews were imposed in the cities of Brazzaville and Pointe-Noire at the beginning of July 1993.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Croatia:* Admitted to the United Nations on 22 May 1992, this newly emerged State found itself in a de facto state of emergency at the moment of its transition to independence. The Special Rapporteur awaits more precise information to be submitted by the Government.

Sources: Periodic reports on the situation of human rights in the territory of the former Yugoslavia submitted by the Special Rapporteurs of the Commission on Human Rights, Mr. T. Mazowiecki (latest: E/CN.4/1995/57, paras. 51-79; E/CN.4/1996/6, paras. 6-64) and Ms. E. Rehn (E/CN.4/1996/63, paras. 61-114); information published in the press.

Djibouti: On 16 November 1991, a curfew was introduced in the district of Obock.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Ecuador: Repeated proclamation of state of national emergency (14 to 17 March 1986, 28 to 30 October 1988, 31 May to 1 June 1988 and 27 September to 13 October 1989).

Sources: Letters from the Government (latest dated 12 January 1990); notifications of the Government to the United Nations Secretary-General dated 14 and 18 March 1986, 28 and 30 October 1987, 1 and 2 June 1988 and 2 August 1989.

Egypt:*

State of emergency has been in force since 6 October 1981. It was extended for a three-year period from 1 May 1988 to 31 May 1991.

Sources: Letter from the Government dated 28 March 1991; information received from non-governmental organizations.

On 1 June 1991, martial law was extended for another three years.

Sources: Report of the Human Rights Committee (A/48/40, paras. 671, 690 and 704); information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

El Salvador:

Suspension of certain constitutional guarantees since 6 March 1980. Successive extensions of martial law in 1984-1985. Termination of state of emergency on 12 January 1987. Further suspension of constitutional guarantees on 12 November 1989 for 30 days, subsequently extended until mid-April 1990.

Sources: Notifications of the Government to the United Nations Secretary-General (latest dated 31 July 1985, 13 November 1989 and 5 January 1990); letters from the Government, latest dated 18 August 1989; information received from non-governmental organizations.

Ethiopia:

The existence of a de facto state of emergency for quite some time has been reported. From May 1988, state of emergency in force in the regions of Tigray and Eritrea. Terminated in May 1991.

In May 1991, a curfew was introduced in Addis Ababa. Lifted on 31 May 1992.

Sources: Statement by the observer for Ethiopia at the forty-fourth session of the Sub-Commission, on 19 August 1992; information received from non-governmental organizations and published in the press.

Fiji:

State of public emergency proclaimed on 14 May 1987. Terminated on 5 December 1987.

Sources: Letters from the Government dated 6 November and 7 December 1989.

France:

State of emergency proclaimed in New Caledonia and dependencies on 12 January 1985. Extended until 30 June 1985.

State of emergency proclaimed in Wallis and Futuna on 29 October 1986. Terminated on 30 October 1986.

Sources: Notification of the Government to the Secretary-General of the Council of Europe; letter from the Government dated 9 July 1987.

Gabon: State of siege introduced in the province of Port-Gentil. Curfew in force since May 1990. Terminated in August 1990.

Sources: Information received from a non-governmental organization and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Gambia: State of emergency proclaimed on 2 August 1981. Terminated on 8 February 1985.

Sources: Information received from non-governmental organizations.

Georgia:* On 18 July 1989, a "special regime of conduct for citizens" was introduced in the Abkhaz autonomous republic.

On 12 December 1990, a state of emergency was introduced and subsequently extended in Tskhinvali and Dzhavski district (South Ossetia). Terminated on 26 November 1991.

In September 1991, a state of emergency was introduced in Tbilisi, the capital city of Georgia.

In January 1992, a state of emergency was declared and a curfew introduced in Kutaisi and several districts of western Georgia.

On 6 July 1993, martial law was imposed in Abkhazia.

In September 1993, a state of emergency was introduced in the whole territory of the Republic for a period of two months and subsequently extended.

Sources: Information received from non-governmental organizations and published in the press. In two letters dated 19 May 1992 and 11 October 1993, the Special Rapporteur requested the Government of Georgia to provide information regarding the emergency measures taken and their impact on human rights.

Guatemala: On 25 May 1993, the suspension of certain constitutional guarantees was decreed, which was enforced for several days.

Sources: Letter from the Government dated 30 June 1993, received in reply to Special Rapporteur's request for

information of 17 June 1993; report on the situation of human rights in Guatemala, prepared by Ms. Monica Pinto, Independent Expert of the Commission on Human Rights (E/CN.4/1994/10, paras. 16-21); information published in the press.

Guyana: State of emergency declared on 28 November 1991.

Sources: Letter from the Government dated 24 March 1993.

Haiti: State of siege proclaimed on 29 January 1986. Terminated on 14 February 1986.

Sources: Letters from the Government dated 10 June 1987 and 16 March 1989.

State of siege introduced on 20 January 1990. Lifted on 30 January 1990.

Sources: Commission on Human Rights resolution 1990/56 of 7 March 1990; reports on human rights situation in Haiti prepared by Mr. P. Texier, Independent Expert (E/CN.4/1990/44/Add.1, paras. 1 and 20; E/CN.4/1991/33, paras. 3, 11 and 125).

In September 1991, a curfew was introduced in Port-au-Prince. In a letter dated 22 October 1991 addressed to the Government of Haiti, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Not having received a reply from the authorities in the capital and possessing reliable information regarding the de facto state of emergency which existed in Haiti, the Special Rapporteur undertook a study on this issue (see chapter III of his sixth report, E/CN.4/Sub.2/1993/23/Rev.1).

After the return to Haiti, in October 1994, of its constitutional President, the de facto state of emergency in the country ceased to exist.

Honduras: State of emergency proclaimed on 8 April 1988. Terminated on 13 April 1988.

Sources: Information received from non-governmental organizations and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

India: The Special Rapporteur awaits more precise information from the Government concerning the measures taken in Kashmir, Punjab, areas in the north-east and in Andhra Pradesh, where,

according to non-governmental sources, certain constitutional guarantees were said to have been suspended under special laws which in effect established a continuing state of emergency.

On 7 December 1992, an indefinite curfew was imposed in parts of Old Delhi. Curfews were also ordered in some other large cities.

On 2 August 1993, a curfew was imposed in the town of Srinagar, Kashmir.

On 11 May 1995, a curfew was again introduced in Srinagar.

Sources: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. B.W. Ndiaye (E/CN.4/1993/46, paras. 333-334); information received from non-governmental organizations and published in the press.

Iraq:

The Special Rapporteur was awaiting information from the Government concerning the emergency measures taken during the armed conflict of 1991 and afterwards, as well as in connection with the events that have taken place in the Kurdish provinces. In a letter dated 4 March 1993, the Government of Iraq stated, inter alia, that:

"Despite the exceptional situation it has faced as a result of the aggression perpetrated against it by some 30 countries and in spite of the ensuing unrest, Iraq has neither proclaimed a state of emergency nor restricted the implementation of the articles of the Constitution or the laws, nor adopted measures which might undermine respect for human rights in general."

The Special Rapporteur intends to hold further consultations with the Government of Iraq. He will also consult the Special Rapporteur on the situation of human rights in Iraq in order to obtain a current evaluation by that independent expert of the situation in this country.

Sources: Letters from the Government dated 23 June 1987 and 4 March 1993; note verbale dated 3 July 1991 from the Permanent Mission of Iraq to the Centre for Human Rights (reproduced in E/CN.4/Sub.2/1991/51); reports on the situation of human rights in Iraq, prepared by Mr. Max van der Stoep, Special Rapporteur of the Commission on Human Rights (A/46/647, para. 60; E/CN.4/1992/31, paras. 22-39 and 151; E/CN.4/1994/58, para. 15; E/CN.4/1995/56, para. 17; E/CN.4/1996/61, para. 17).

Ireland:

State of emergency was in force from 1 September 1976 until February 1995.

Sources: Letter from the Government dated 2 June 1995; report of Ireland to the Human Rights Committee (CCPR/C/68/Add.3, paras. 29-31); report of the Human Rights Committee (A/48/40, paras. 561, 574, 582-583, 603 and 611); information received from a non-governmental organization.

Israel:* State of emergency in force since May 1948.

Sources: Notification of the Government received by the Secretary-General on 3 October 1991; letter from the Government dated 28 May 1991.

Territories occupied by Israel:* Emergency legislation in force.

Curfews imposed in the Gaza Strip and the West Bank since December 1992.

Sources: United Nations reports; information received from intergovernmental and non-governmental organizations and published in the press. The Special Rapporteur awaits more detailed information to be submitted by the Government of Israel regarding the emergency measures taken and their impact on human rights.

Jordan: Martial law declared on 5 June 1967.

The Government's decision to repeal martial law was endorsed by royal decree of 30 March 1992.

Sources: Letter from the Government dated 12 July 1993; reports of Jordan to the Human Rights Committee (CCPR/C/1/Add.55 and 56, CCPR/C/46/Add.4 and CCPR/C/76/Add.1); reports of the Human Rights Committee (A/46/40, para. 578; A/49/40, para. 231); information received from non-governmental organizations.

Kazakhstan: On 19 June 1989, a curfew was introduced in the town of Novy Uzen, Guriev district. Lifted on 24 July 1989.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Kenya: According to a non-governmental source, a long-term state of emergency has been in effect in the north-eastern part of the country until the beginning of 1992. The Special Rapporteur awaits more precise information to be submitted by the Government, especially with regard to the emergency-type detention law currently in force.

Kuwait: On 26 February 1991, martial law was declared for a three-month period. Subsequently extended until 26 June 1991.

Sources: Letter from the Government dated 14 September 1993; information received from non-governmental organizations and published in the press.

Kyrgyzstan:*

From 7 June to 21 November 1990, a state of emergency was in force in the capital, Frunze (now renamed Bishkek). On 4 and 7 June 1990, a state of emergency was decreed and a curfew imposed in Osh town and in Osh region. Still in force. Partially lifted on 14 September 1991. In January 1993, a special regime of entry and exit was introduced in Osh region.

Sources: Information received from a non-governmental organization and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Lesotho:

State of emergency declared on 25 February 1988. Reinstated on 2 May 1988. Lifted in early 1990.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

Liberia:*

Suspension of certain constitutional guarantees since July 1990. Curfew enforced in the capital.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Madagascar:

State of emergency declared on 23 July 1991 and subsequently extended. Curfew enforced in the capital.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Malawi:

Emergency legislation in force since 1965 which expressly provides for preventive detention.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

Malaysia:

Four states of emergency proclaimed since independence were never revoked. The latest nationwide state of emergency was declared on 15 May 1969. Emergency legislation currently in force which expressly provides for preventive detention.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

Mali:*

State of emergency declared on 22 March 1991.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Mauritania:

A curfew was introduced in rural areas of the south. A de facto state of emergency has been reported to exist in the Senegal river valley. In October 1992, a curfew was enforced in the capital.

Sources: Information published in the press and received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

Moldova:

From 26 October to 6 December 1990, a state of emergency was in force in several southern districts.

On 16 March 1992, a "special situation" regime was introduced on the left bank of Dnestr river. Lifted in September 1992. Curfew still in force. The "special situation" regime was again introduced in this area from 19 January to 1 March 1994.

On 28 March 1992, a state of emergency was decreed in the whole territory of the Republic. Lifted on 19 August 1992.

Sources: Letter from the Government dated 25 June 1992, received in reply to the Special Rapporteur's request for information of 19 May 1992; information received from non-governmental organizations and published in the press.

Myanmar:*

State of emergency proclaimed at Prome on 22 July 1988 and in the Yangon region on 3 August 1988. Terminated on 24 August 1988.

Martial law introduced on 18 September 1988. By end of May 1990, it was lifted in 102 townships.

The curfew imposed on 10 October 1990 was lifted on 10 September 1992.

On 26 September 1992, two martial law orders dated 17 and 18 July 1989 were revoked.

In a letter dated 4 August 1994, the Government stated that "the state of emergency is no longer ... in force in Myanmar since 24 August 1988". It further indicated that "the State and Law Order Restoration Council Order No. 12/92 issued on 26 September 1992 revoked the executive and judicial powers conferred upon the three Military Commanders and at the same time abolished all the Military Tribunals".

The Special Rapporteur has noted that the Commission on Human Rights, in its resolution 1996/80 of 23 April 1996, gravely concerned at "the existence of important restrictions on the exercise of fundamental freedoms, including the freedom of expression and association", encouraged the Government of Myanmar "to continue to lift the remaining emergency measures". (para. 15).

Sources: Letters from the Government dated 29 May and 24 August 1987, 16 May and 17 August 1989, 26 January, 21 March, 7 May and 14 June 1990, 4 March 1991, 18 August, 28 September, 7 and 19 October 1992, 22 January 1993 and 4 August 1994; reports on the situation of human rights in Myanmar, prepared by Mr. Y. Yokota, Special Rapporteur of the Commission on Human Rights (E/CN.4/1993/37, para. 242 (d); E/CN.4/1995/65, paras. 8-9; E/CN.4/1996/65, para. 174); information received from non-governmental organizations.

Nicaragua:

State of emergency was in force, with brief interruptions, from 15 March 1982 to 19 January 1988, and from 20 October to 15 November 1988.

From 18 May to 17 June 1993, a partial suspension of certain constitutional rights and guarantees was decreed in some parts of the country.

Sources: Notifications of the Government to the Secretary-General of the United Nations, latest dated 4 February, 21 October and 16 November 1988 and 19 May and 11 August 1993.

Niger:*

A state of emergency has been in force in the north of the country since 1992.

Sources: Information received from a non-governmental organization.

State of emergency proclaimed in February 1996.

Sources: Information published in the press. In a letter dated 15 February 1996, the Special Rapporteur requested the Government of Niger to provide information regarding the emergency measures taken and their impact on human rights.

Nigeria:

State of emergency proclaimed on 31 December 1983.

In October 1991, an indefinite night-time curfew was imposed in the State of Kano.

On 18 November 1993, the Parliament was dissolved and certain constitutional guarantees suspended.

Sources: Information received from a non-governmental organization and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Pakistan: Martial law was in force from 5 July 1977 to 30 December 1985.

State of emergency proclaimed on 17 August 1988. Terminated on 1 December 1988.

Sources: Letters from the Government, latest dated 24 October and 5 December 1989.

Panama: State of emergency proclaimed on 10 June 1987. Terminated on 29 June 1987.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 11 and 30 June 1987.

Papua New Guinea: State of emergency proclaimed on 17 June 1985. Terminated on 21 October 1985.

State of emergency declared on 26 June 1989. On 12 January 1990 extended for a further two months.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

Paraguay: State of siege, which had been in force since 1954, was terminated on 9 April 1987.

Sources: Letters from the Government, latest dated 27 April 1987 (reproduced in doc. E/CN.4/Sub.2/1987/18).

Peru:* A state of emergency, which was declared for the first time in 1981, is currently in force in a considerable part of the territory; extension of states of emergency in certain provinces and departments and declaration of new states of emergency are periodically reported.

Sources: Notifications of the Government to the United Nations Secretary-General (latest dated 8 February 1995); letters from the Government addressed to the Centre for Human Rights (latest dated 18 August 1993).

On 5 April 1992, the President of the Republic dissolved the Parliament and suspended, temporarily and partially, the Constitution throughout the territory of Peru. This suspension of constitutional rule ended on 30 December 1992.

Sources: Report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, Mr. B.W. Ndiaye, on his mission to Peru (E/CN.4/1994/7/Add.2, paras. 16, 21-24, 75, 86-88, 119-120); information published in the press and received from non-governmental organizations.

Philippines:

De facto states of emergency lasting only a few days were imposed in February 1986 during the revolution and at the time of the attempted coup d'état of 28 August 1987.

State of national emergency proclaimed on 6 December 1989. Ended on 7 June 1990.

Sources: Letters from the Government dated 10 December 1987, 2 April 1991 and 21 September 1992.

Russian
Federation:*

On 19 April 1991, a state of emergency was introduced in Vladikavkaz (North Ossetia) for a period of one month and subsequently extended until 19 September, 19 December 1991, 19 April and 10 August 1992.

On 13 June 1991, a state of emergency was introduced in Makhachkala, the capital city of Dagestan, for a period of one month.

On 19 August 1991, a state of emergency was declared in some parts of the USSR for six months by the newly established State Committee for the Emergency Situations. On 22 August 1991, all decrees of this Committee were cancelled by the President of the USSR.

Sources: Statement made by the observer for the USSR at the forty-third session of the Sub-Commission, on 30 August 1991; information received from non-governmental organizations and published in the press.

From 11 to 28 September 1991, a state of emergency was in force in the Kazbek district of Dagestan.

Repeated introduction of states of emergency in the Chechen Republic. A curfew was imposed on 10 February 1992 in its capital, Grozny, for 30 days.

In May 1992, a state of emergency was introduced in Makhachkala and Kizilyourt cities of Dagestan.

Sources: Information published in the press. In a letter dated 19 May 1992, addressed to the Government of the Russian Federation, the Special Rapporteur requested more detailed information regarding the emergency measures taken in some parts of the country and their impact on human rights.

On 10 June 1992, a state of emergency was introduced in several districts of the North Ossetia; curfew imposed in Vladikavkaz.

Sources: Letter from the Government dated 21 July 1992.

On 27 September 1992, a state of emergency was proclaimed in Nalchik, the capital city of Kabardino-Balkaria, for a period of two months; its actual introduction was, however, suspended.

On 2 November 1992, a state of emergency was introduced in the North Ossetia and in the Ingush Republic for a period of one month. Subsequently, the emergency regime in several districts and areas of Ingushetia and North Ossetia was repeatedly extended (last time: from 3 December 1994 to 31 January 1995).

Sources: Notifications of the Government of the Russian Federation to the United Nations Secretary-General dated 3 November 1992, 28 October and 23 December 1993; 22 April, 20 May, 21 June, 12 August, 21 October 1994 and 4 January 1995; letters from the Government dated 4 November and 21 December 1992 and 28 June, 11 August, 25 October and 29 December 1993, 31 May, 20 June and 15 November 1994; information received from non-governmental organizations and published in the press.

State of emergency was decreed from 3 to 10 October 1993 and a curfew introduced in the city of Moscow. Extended until 18 October 1993.

Sources: Notifications of the Government to the United Nations Secretary-General dated 4 and 21 October 1994; letters from the Government dated 4 and 25 October 1993; information published in the press.

On 29 May 1994, a curfew was decreed in the Chechen Republic for one month. Martial law introduced in the Chechen Republic on 12 October 1994.

Sources: Information published in the press.

Rwanda:*

State of siege declared in October 1990.

Sources: Statement by the Minister of Justice of Rwanda of 17 January 1991; information received from non-governmental organizations and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Senegal:

State of emergency was proclaimed from 29 February to 20 May 1988 and from 28 April to 19 May 1989.

Sources: Letters from the Government dated 20 September 1988, 15 January 1990 and 17 March 1993.

Sierra Leone:* State of emergency declared on 2 November 1987. Renewed on 8 March 1988.

On 30 April 1992, a state of emergency was declared and a curfew imposed.

Sources: Information received from non-governmental organizations and published in the press. In a letter dated 19 May 1992, addressed to the Government of Sierra Leone, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Singapore: Emergency legislation currently in force which expressly provides for preventive detention.

Sources: Letter from the Government dated 18 August 1989; information received from non-governmental organizations.

Somalia:* Emergency regulations in force in areas affected by armed conflict.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

South Africa: State of emergency in 36 magisterial districts was proclaimed on 21 July 1985. A country-wide state of emergency has existed since 12 June 1986. Successive proclamations or extensions of states of emergency as well as lifting of some emergency regulations took place in 1987, 1988, 1989 and 1990.

On 7 June 1990, the state of emergency was lifted in all areas of the country, except Natal. The lifting of the state of emergency in Natal province was announced on 18 October 1990.

Sources: Letters from the Government dated 1 September 1988 and 6 July 1989 (cf. E/CN.4/Sub.2/1989/45); information submitted by the Special Committee against Apartheid; information received from non-governmental organizations.

On 28 October 1991, a state of emergency was imposed throughout the Ciskei.

Sources: Report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1992/8, paras. 167 and 168).

In its 1994 report, the Ad Hoc Working Group of Experts stated that in 1993, a large number of magisterial districts had been declared "unrest areas", thus creating a situation analogous to that under the declaration of an emergency (E/CN.4/1994/15, paras. 44 and 136).

On 31 March 1994, a state of emergency was introduced in Natal province. Lifted on 7 September 1994.

Sources: Letter from the Government dated 13 September 1994; information published in the press.

Sri Lanka:*

State of emergency proclaimed on 18 May 1983. Terminated on 11 January 1989.

State of emergency declared on 20 June 1989. Terminated on 4 September 1994, except in the Northern and Eastern provinces and in certain other areas bordering those two provinces.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 21 and 23 May 1984, 13 January and 18 August 1989 and 29 September 1994; letter from the Government dated 11 April 1991; reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1992/18/Add.1, paras. 60-72 and 195; E/CN.4/1993/25/Add.1, paras. 16 and 146 (a)); information received from non-governmental organizations.

Sudan:*

States of emergency proclaimed on 6 April 1985, 25 July 1987 and 30 June 1989. Still in force.

Sources: Notifications of the Government to the United Nations Secretary-General dated 21 August 1991 and 13 February 1992; report of Sudan submitted to the Human Rights Committee (CCPR/C/45/Add.3); report on the situation of human rights in the Sudan, prepared by Mr. G. Bíró, Special Rapporteur of the Commission on Human Rights (E/CN.4/1994/48, paras. 22-23); information received from non-governmental organizations.

Suriname:

State of emergency was in force from August 1980 to 25 February 1986. On 1 December 1986, state of emergency was proclaimed in the eastern part of the country. Terminated on 1 September 1989.

Sources: Letters from the Government dated 5 December 1986 (reproduced in A/41/958), 13 March and 24 June 1991; information received from non-governmental organizations.

Syrian Arab Republic:*

State of emergency proclaimed on 8 March 1963. Still in force.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

Tajikistan:*

In July 1989, a curfew was introduced in Isfara region.

On 12 February 1990, a state of emergency was declared in the capital, Dushanbe. Lifted on 29 June 1991.

On 23 September 1991, a state of emergency was introduced throughout the republic. Lifted on 30 September 1991.

Sources: Notification of the Government of the USSR to the United Nations Secretary-General dated 23 March 1990; information received from non-governmental organizations and published in the press.

State of emergency proclaimed and a curfew introduced on 5 May 1992. Lifted on 7 May 1992.

In September 1992, a state of emergency was introduced in several districts and towns of Kurgan-Tyube and Kuliab provinces.

On 23 October 1992, a state of emergency and a curfew were decreed in the capital, Dushanbe.

On 7 January 1993, a state of emergency was again declared and a curfew imposed in Dushanbe for a period of one month.

Sources: Information published in the press. In two letters dated 19 May and 28 October 1992, the Special Rapporteur requested the Government of Tajikistan to provide information regarding the emergency measures taken and their impact on human rights.

In February 1993, a state of emergency was declared and a curfew imposed in the whole territory of the country. Extended in July 1994. Still in force.

Sources: Notification of the Government to the secretariat of the Conference on Security and Cooperation in Europe; information published in the press.

Thailand:

Martial law introduced on 23 February 1991. Lifted on 3 May 1991.

On 18 May 1992, a state of emergency was introduced in Bangkok and surrounding provinces. Lifted on 26 May 1992.

Sources: Statement by the observer for Thailand at the forty-third session of the Sub-Commission,

on 22 August 1991; letter from the Government dated 22 July 1992, received in reply to the Special Rapporteur's request for information of 19 May 1992; information published in the press.

Togo: In April and in November 1991, curfews were introduced in Lomé, capital of the republic.

Sources: Report of the Human Rights Committee (A/49/40, para. 253); information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Trinidad and Tobago: A state of emergency was proclaimed on 28 July 1990 for a period of 90 days and subsequently extended. Remained in force until 9 December 1990.

Sources: Notification of the Government to the Secretary-General of the United Nations dated 15 August 1990; letter from the Government dated 12 March 1993.

Turkey: * Martial law, which was introduced on 26 December 1978 in 13 provinces, was proclaimed throughout the entire territory on 12 September 1980. As at 1 January 1985, it was in force in 34 provinces. By 19 July 1987 martial law was lifted throughout the country. In 1985-1987, in certain provinces, martial law was replaced by a state of emergency which is currently in force in 10 provinces in south-east Anatolia.

Sources: Letters from the Government dated 9 June 1987, 19 July 1988 and 15 February 1991; information received from non-governmental organizations.

Uganda: The existence of a de facto state of emergency has been reported, related particularly to the application of the Public Order and Security Act of 1967.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

United Kingdom of Great Britain and Northern Ireland: * Since 1974, a public emergency exists relating to the affairs of Northern Ireland.

Sources: Notifications of the Government to the United Nations Secretary-General dated 23 December 1988 and 23 March 1989; communication from the Government received by the Secretary-General on 18 December 1989; reports to the Human Rights Committee (latest documents: CCPR/C/58/Add.6, paras. 57-60; CCPR/C/58/Add.12, para. 18).

United States
of America:

States of emergency proclaimed and curfews imposed in Los Angeles, San Francisco, Las Vegas, Atlanta and some other places for short periods at the end of April-beginning of May 1992.

Sources: Letter from the Government dated 1 June 1992, received in reply to Special Rapporteur's request for information of 18 May 1992; information published in the press.

Uzbekistan:

On 4 June 1989, a curfew was introduced in several townships of Fergana district.

Sources: Information received from a non-governmental organization and published in the press. In a letter dated 19 May 1992, addressed to the Government of Uzbekistan, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Venezuela:*

Emergency measures and suspension of certain constitutional guarantees were decreed on 28 February 1989.

On 22 March 1989, all the constitutional safeguards were re-established.

Sources: Notifications of the Government to the United Nations Secretary-General dated 17 and 31 March 1989; letters from the Government dated 3 and 18 April 1989 and 7 December 1990.

On 4 February 1992, certain constitutional guarantees were suspended. On 13 February 1992, a partial restoration of previously suspended guarantees was decreed. By a decree dated 9 April 1992, the President of the Republic has restored all constitutional guarantees.

Sources: Notifications of the Government to the United Nations Secretary-General dated 4 and 21 February and 24 April 1992; letter from the Government dated 11 February 1992.

On 27 November 1992, suspension of certain constitutional guarantees was decreed. By decrees dated 1 and 22 December 1992 and 16 January 1993, all constitutional guarantees were restored.

From 16 to 25 January 1993, certain constitutional guarantees were again suspended in some parts of the national territory.

Sources: Letter from the Government dated 1 April 1993; information received from non-governmental organizations.

On 27 June 1994, certain constitutional guarantees were suspended in the whole territory of the country. The Government stated that this measure was motivated by the alarming financial and economic situation, which might endanger public security.

By decree dated 6 July 1995, the constitutional guarantees were restored throughout the national territory with the exception of some border autonomous municipalities.

Source: Notifications of the Government to the Secretary-General of the United Nations dated 29 June 1994, and 18 July 1995; letters from the Government dated 3 and 7 June 1996.

Yemen:*

On 5 May 1994, a 30-day state of emergency was declared and a curfew imposed in the whole territory of the country.

Sources: Information published in the press. In a letter dated 16 May 1994, addressed to the Government of Yemen, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Yugoslavia:*

On 28 March 1989, special measures involving suspension of freedoms of assembly and movement were introduced in the province of Kosovo. On 18 April 1990, all the emergency measures in the territory of the province were lifted.

Sources: Notifications of the Government to the United Nations Secretary-General dated 14 April 1989, 29 May 1989, 19 March 1990 and 24 April 1990.

On 18 October 1991, the "existence of an immediate threat of war" was established by the decision of the Presidency of the SFRY throughout the territory of the country.

Sources: Letters from the Government dated 18 and 21 February 1992.

Except for Slovenia, the other newly emerged States which made up the former Yugoslavia found themselves in a de facto state of emergency at the moment of their transition to independence.

Sources: Periodic reports on the situation of human rights in the territory of the former Yugoslavia submitted by the Special Rapporteurs of the Commission on Human Rights, Mr. T. Mazowiecki, (E/CN.4/1994/47), and Ms. E. Rehn (E/CN.4/1996/63, paras. 115-180); information published in the press.

Zaire: In a letter dated 28 October 1991, addressed to the Government of Zaire, the Special Rapporteur requested more detailed information regarding the emergency measures taken in connection with September riots in the country, and their impact on human rights.

A non-governmental source later advised the Special Rapporteur that those measures did not constitute a state of emergency and were of very short duration. The Special Rapporteur therefore awaits more precise information to be submitted by the Government of Zaire.

Zambia:* State of emergency introduced on 27 July 1964. Lifted in 1991.

State of emergency declared on 4 March 1993.

Sources: Information received from a non-governmental organization and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government of Zambia in reply to his letter dated 17 June 1993.

Zimbabwe: State of emergency, which had been in force since November 1965, was lifted on 25 July 1990.

Sources: Letters from the Government dated 23 March and 12 July 1988; information received from non-governmental organizations.

38. The Special Rapporteur is aware of the possibility that the existence of a state of emergency in other countries might not have come to his knowledge and trusts that the cooperation of States and intergovernmental and non-governmental organizations in the procedure being applied will soon enable him to give a full account of the situation worldwide.

Notes

1/ See E/CN.4/Sub.2/1995/16, para. 39.

2/ We refer here, inter alia, to the rights contemplated as non-derogable in paragraphs 2 of articles 4, 15 and 27 of the International Covenant, the European Convention and the American Convention, respectively.

3/ See Daniel O'Donnell, in Los Derechos No Susceptibles de Deroqación durante los Estados o las Situaciones de Excepción (forthcoming).

4/ See Denise Plattner, in Le Droit international humanitaire et le noyau intangible du droit international des droits de l'homme.

5/ See Antonio Augusto Cançado Trindade, in Los Derechos No Susceptibles de Deroqación durante los Estados o las Situaciones de Excepción.

6/ See Alfredo de Zayas, *ibid*.

Annex

LIST OF REPLIES AND OTHER COMMUNICATIONS RECEIVED*

A. Governments

Colombia	4 September 1995 and 22 February 1996
Venezuela	3 and 7 June 1996

B. Non-governmental organizations

Amnesty International	November 1995
Asian Human Rights Commission - Asian Legal Resource Centre	7 February 1996
International Federation of Human Rights	20 February 1996
Minority Rights Group International	April 1996
Committee on the Administration of Justice (CAJ), Belfast	February 1996

* Since June 1995, when the eighth report (E/CN.4/Sub.2/1995/20) was issued.